

STATE OF LOUISIANA
GROUND WATER MANAGEMENT COMMISSION

IN RE: GROUND WATER *
MANAGEMENT COMMISSION *
MEETING *

REPORT OF MEETING
HELD AT
BATON ROUGE, LOUISIANA
NOVEMBER 28, 2001

STATE OF LOUISIANA

GROUND WATER MANAGEMENT COMMISSION

IN RE: GROUND WATER *
MANAGEMENT COMMISSION *
MEETING *

Report of the meeting of the Ground Water
Management Commission, State of Louisiana, on November
28, 2001, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Karen Gautreaux, Chairman
Phil Boudreaux, Assistant Commissioner of Conservation
Zahir "Bo" Bolourchi, Secretary, DOTD
George Cardwell, Capital Area Ground Water Commission
William "Bill" Cefalu, Police Jury Association
Richard Durrett, Sparta Groundwater Conservation
District
Peggy Gantt, Louisiana Municipal Association
Dale Givens, Secretary, DEQ
Karen Irion, DHH
Fulbert Leon Namwamba, Geologist
Brad Spicer, Agriculture & Forestry
Bennie Fontenot, Wildlife & Fisheries
Linda Zaunbrecher, Farm Bureau Member

AGENDA

- I. Call to Order - Karen Gautreaux
- II. Presentation by C.H. Fenstermaker & Associates
- III. Comments from the Commission on presentation
- IV. Consideration of the Proposed Staff and
Advisory Task Force Recommendations on the copy
of the Revised Emergency Rule Recommendations
- V. Consideration of the Advisory Task Force
Recommendations
- VI. Ground Water Staff Report
- VII. Ground Water Management Advisory Task Force
Committee Reports
- VIII. Ground Water Management Advisory Task Force
Comments
- IX. New Business
- X. Public Comments
- XI. Schedule for Next Meeting
- XII. Adjourn

GROUND WATER MANAGEMENT COMMISSION MEETING

NOVEMBER 28, 2001

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COMMISSIONER GAUTREAUX:

Welcome to the Louisiana Ground Water Management Commission Meeting. I'll ask everyone to introduce themselves for the record starting with Brad.

COMMISSIONER SPICER:

Brad Spicer, Louisiana Department of Agriculture and Forestry.

COMMISSIONER NAMWAMBA:

Fulbert Namwamba, geologist, engineer.

COMMISSIONER BOLOURCHI:

I'm Bo Bolourchi, Department of Transportation, Water Resources Group.

COMMISSIONER BOUDREAUX:

Phil Boudreaux, Department of Natural Resources.

COMMISSIONER GAUTREAUX:

Karen Gautreaux, Governor Foster's office.

MR. FONTENOT:

Bennie Fontenot, Wildlife and Fisheries. I'm substituting for John Roussel today.

COMMISSIONER ZAUNBRECHER:

Linda Zaunbrecher, Louisiana Farm Bureau.

COMMISSIONER CARDWELL:

George Cardwell, Capital Area Ground Water Commission.

COMMISSIONER DURRETT:

Richard Durrett, Sparta Ground Water Commission.

MS. IRION:

1 Karen Irion, Department of Health and Hospitals,
2 substituting for Dr. Guidry.

3 COMMISSIONER GAUTREAUX:

4 Thank you. Our first item on the agenda, as many
5 of you were present at the last Ground Water
6 Management Commission in which the selection committee
7 saw presentations by the top two presenters. Well,
8 today we have the one that, if everything goes well,
9 will get the award. They've actually received a
10 verbal go-ahead to proceed with work on the contract.
11 The group that did get the award is C.H. Fenstermaker
12 & Associates, and we've asked them to make a
13 presentation. Also, they were here this morning and
14 became exposed to some of the issues by their
15 conversation -- well, by listening to conversation of
16 the Ground Water Management Advisory Task Force, and
17 also a subsequent meeting with representatives of the
18 Technical Committee. So we were glad they were able
19 to do that. And would you like to come forward and
20 introduce yourselves and make your presentation?
21 Brad, because we record these meetings, would you
22 please use a mike? Thank you.

23 MR. HAMILTON:

24 I'm Brad Hamilton, Executive Vice President for
25 C.H. Fenstermaker and Associates. We've been chosen
26 to do this project. I'm very happy to be chosen and
27 look forward to the project. It's an exciting
28 project. We are all living in Louisiana, residing in
29 Louisiana right now and are stakeholders. So we have
30 a long-term interest in what happens here in this

1 whole process.

2 At this point I'm really going to turn it over to
3 Raymond, because as far as having accomplished a lot
4 to this date, we haven't done that much. We got the
5 notice to proceed, the verbal notice to proceed about
6 a week and a half ago and had our kickoff meeting. So
7 I think what Raymond is going to run through with you
8 is just kind of a historical of what's taken place so
9 far, and we'll just go from there. Raymond, very
10 briefly.

11 MR. REAUX:

12 Again, my name is Raymond Reaux. I'm going to be
13 the project manager for the study. We did develop a
14 time line, at least a history of what we've done at
15 least to this point to bring everybody up to speed.
16 As most of you were here and aware of, we made a
17 presentation on the 16th October, of which we found
18 out about ten days later, October 26th, that we were
19 selected as the project team, and basically a 14-day
20 protest period began so that we really would have to
21 go through that. We had a couple of meetings, the
22 first with at least what I call the Commission
23 Technical Committee. I asked Karen and a couple of
24 people what it was, the name of the group, and we're
25 still struggling with what it is.

26 COMMISSIONER GAUTREAUX:

27 It's just general staff meeting.

28 Mr. REAUX:

29 General staff meeting, okay. We've had two
30 meetings with them, one on November 6, mainly to

1 introduce the parties, ourselves, the team, to discuss
2 a couple of the contract issues, project schedule, and
3 we've also begun talking about the website and some of
4 the site names that we think are important and should
5 be, I guess, reserved immediately.

6 We had a meeting a little bit later on the 9th of
7 November. That was primarily a scope of services
8 meeting, and really some clarifications as we put the
9 proposal together. Some of you may have seen it. We
10 certainly sat in our office and put it together, but
11 there were some clarifications and some things that
12 needed to be addressed. So we went through that with
13 a couple of other items. That was done on the 9th of
14 November, which was also the end of the protest
15 period.

16 Bruce attended the Outreach Committee meeting on
17 the 14th, and we then received a verbal notice to
18 proceed on the 16th of November. I apologize if this
19 is a little dry. We're just going through it a little
20 bit. So we got the notice to proceed on the 16th.
21 About the 20th we kicked it off in our office, trying
22 to get everybody started, geared up. We know this is
23 a short time frame. We're trying to move forward, and
24 short of the holidays here we are about a week later
25 for this meeting. So that's kind of the time line of
26 activities, and we've been kind of kicked off
27 officially I guess about ten days.

28 MR. HAMILTON:

29 I apologize to my two compatriots. I should have
30 introduced these guys here. I'd like to introduce

1 them. Bruce Darling, who is with LBG-Guyton of
2 Austin. Bruce is a resident in Lafayette for the
3 whole duration of the project. He already has a
4 Lafayette cell phone, has a Lafayette e-mail address,
5 and hopes to have his business cards printed up to
6 where he can get his mail here again. And standing
7 next to him is Brent Sonnier with The Onebane Firm, a
8 law firm in Lafayette. He will be handling a lot of
9 the legal issues that we are sure are going to surface
10 here. Bruce will be handling primarily ground water
11 issues and some -- a lot of the planning issues, and a
12 little bit of surface water. So that's our team. We
13 are ready to go, and we are looking forward to it.

14 Do you have any questions? One of the biggest
15 things that we have to do initially here is to collect
16 data, and collect data not from just other agencies,
17 but comments from the public, comments from the
18 stakeholders. Any kind of information that anybody
19 here has that feels -- and they feel that it's
20 important that we know, we would actually encourage
21 you to contact us one way or another. We will have a
22 website out there probably up and running within, I'm
23 sure within a month, and we will publish the URL
24 address. We'll also try to acquire the attendance
25 list here, and maybe get at least a mailout with that
26 address to everybody that is sitting here today, and
27 this morning too. With that I think we are through.

28 COMMISSIONER GAUTREAUX:

29 Good. Are there any comments or questions from
30 the members of the Commission?

1 (No response.)

2 Thank you. I'm sorry, Dr. Namwamba?

3 COMMISSIONER NAMWAMBA:

4 One thing that to me was not addressed, I mean, I
5 didn't have a chance to ask this question, I'd like to
6 know your strategy or game plan on addressing
7 groundwater quality issues.

8 MR. DARLING:

9 That's not an easy question to answer because we
10 haven't seen all of the data yet. We had a long
11 discussion here at the Technical Committee meeting
12 about what we need to do to start off. The first
13 thing, of course, to do is gather all the information
14 from all the agencies that have information related to
15 quality of ground water, that's both with respect to
16 the major area of concentrations, and also
17 radiochemical components of ground water, organic
18 constituency of ground water.

19 So the first thing to do is to compile all the
20 data, to look at what's there, to look at what we
21 might need to address, some shortfalls of that, and
22 then to combine that into some type of strategy for
23 advising the Commission of what -- how complete the
24 data are, and then what we need to do to collect the
25 data that we need to address specific issues down the
26 road for your planning purposes.

27 Just to start off with, we are -- we don't have a
28 definite plan because we just need to look at the data
29 first. So the data evaluation phase is the very first
30 thing that we need to do, and that's a rather

1 substantial effort in itself. That includes both
2 ground water and surface water.

3 COMMISSIONER GAUTREAUX:

4 Do you have any -- is that --

5 COMMISSIONER NAMWAMBA:

6 No. I was just mentioning that because that's
7 one thing I'm looking out for.

8 COMMISSIONER GAUTREAUX:

9 Any other comments or questions?

10 (No response.)

11 Thank you. I'm sorry.

12 MR. SADE:

13 My name is Morris Sade. I'm from Miraj
14 Envirotek. Do you have any specific model for the
15 arrangement of groundwater management, or are you
16 going to develop such a model, or any need to
17 developing such a model for the Louisiana --

18 MR. DARLING:

19 You mean a numerical model?

20 MR. SADE:

21 Yes.

22 MR. DARLING:

23 We're going to work with the existing models. We
24 don't have the time or the budget to develop new
25 models. So what we need to do is look at the existing
26 models to determine what they tell us. We need to
27 look at the existing models to discern what they can
28 tell us so that we can then advise the Commission of
29 what might need to be done in terms of addressing
30 specific water availability issues in Louisiana, or

1 where you might want to develop new models. I've had
2 a lot of discussion with Brad Hanson over lunch about
3 work that the Louisiana Geological Survey is doing to
4 developing numerical models in southwest Louisiana,
5 and, of course, we hope to gain a great deal from
6 working with LGS on that. But right now we cannot
7 develop new models. Given the time frame, as I said,
8 we have to work with the data that are there and hope
9 that will tell us what we need to do, tell us what we
10 need to know, and make the recommendations that we
11 need to make in order to address those availability
12 issues or supply issues that I think you're trying to
13 get at.

14 COMMISSIONER GAUTREAUX:

15 Brad, will you and Bruce and Brent and Raymond,
16 you're planning to attend the whole meeting? Because
17 typically we have an opportunity for public comment
18 and questions.

19 MR. HAMILTON:

20 We'll be here afterwards too. We'll stay as long
21 as someone wants us to.

22 COMMISSIONER GAUTREAUX:

23 Good. Thank you. So we'll move on to the next
24 agenda item if there aren't any questions or comments
25 from the Commission.

26 (No response.)

27 Thank you. All right, our next topic,
28 consideration of the proposed staff and advisory task
29 force recommendations on the revised emergency rule.
30 This morning this discussion was interwoven with

1 committee reports, but we'll just handle it altogether
2 at this point. Tony, if you can review, and I invite
3 the reporters for the committees to go ahead and
4 you're welcome to state what your recommendations
5 were, and Tony's discussion, I guess, will reflect
6 what moved up through the process.

7 MR. DUPLÉCHIN:

8 Thank you, Karen. If you'll look at your
9 packets, you have two copies of the draft revised
10 emergency rules. The one that we worked on this
11 morning, came up with this morning has the date
12 11/28/01 at the top of it, and it has the revisions,
13 so I will be addressing those. I will assume that
14 everyone had a chance to read the revisions that --
15 the revised rule as of the last Commission meeting.
16 So I'll skip the changes that were made between the
17 original one and what we came up with this morning.

18 If you look on the second page, right-hand
19 column, letter B, "applicant shall also submit
20 recommendations," down on 2.a, we changed the wording
21 to read "restrictions on the amount of withdrawals by
22 any and/or all users" in accordance with RS 38:3099
23 3.D. Further down under Commission review 3309.B was
24 moved from under 3305, I believe it was, "using all
25 available data presented to the Commission, an
26 analysis will be made by the Commission to determine
27 if the area under consideration meets the criteria to
28 be designated a critical ground water area or could
29 become a critical ground water area." Originally we
30 struck that language, but it was decided this morning

1 to leave it in and move it down under Commission
2 Review.

3 The last change we made this morning is under
4 3505 on the last page, and it reflects the previous
5 change that was made under A.2.a. "restrictions on the
6 amount of withdrawals by any and/or all users," in
7 accordance with RS 38:3099 3.D.

8 COMMISSIONER GAUTREAUX:

9 And this -- after the discussion at the meeting,
10 there was a general recognition, and also I'd like to
11 say that John Roussel, who represents Wildlife and
12 Fisheries and Bennie is representing today, had
13 forwarded a comment just recommending that we
14 reference the section of the Act that discusses this
15 issue and cross-reference it. So that's where -- and
16 everyone who was active in that discussion of the task
17 force agreed that that was an appropriate thing to do,
18 that direct linkage.

19 So are there any questions or comments among the
20 -- I would also like to forward a second item. I had
21 to get my copy of John's remarks also, that he
22 recommended in Section 305 -- 3305.A.5 that after we
23 -- the second recommendation that John had mentioned
24 was just some clarification language in 3305.A.5.
25 After the word "application," he recommended that we
26 insert "and recommendations regarding the proposed
27 critical ground water area," for clarification. So I
28 would like the Commission -- any questions or comments
29 regarding the proposed changes to the draft?

30 (No response.)

1 If there are no comments, do we have a motion to
2 approve?

3 COMMISSIONER SPICER:

4 I move.

5 COMMISSIONER ZAUNBRECHER:

6 Second.

7 COMMISSIONER GAUTREAUX:

8 Brad made the motion. Linda seconded. Any
9 discussion?

10 (No response.)

11 All in favor? (Aye.)

12 Opposed? (No response.)

13 Thank you.

14 MR. DUPLÉCHIN:

15 Our next step with this will be to present it to
16 the Office of the State Register. The current
17 emergency rule expires on the 18th of December, and
18 this will give us another 120 days from then. We do
19 plan on going ahead with permanent rules for the
20 conduct of hearings at our next available opportunity.

21 COMMISSIONER GAUTREAUX:

22 If there's no further comment on that item we'll
23 move on. The second topic -- Tony, I assume you're
24 going to stay up for this one too -- what we reviewed
25 at our meeting this morning was a policy that we had
26 utilized on the Advisory -- the Water Policy Advisory
27 Task Force which worked well in that we brought the
28 recommendations of each committee up for Task Force
29 discussion, unless there was a higher level committee
30 that those types of recommendations ran for, but

ultimately whatever came out of the committees was discussed and endorsed or not by the task force as a recommendation. So we have decided to reinstitute that policy for our advisory task force. So from this point on the Commission will be receiving recommendations from the task force. We'll still have an opportunity through committee reports if there's some other items that didn't make it through the process that the Commission might want to just know is an issue out there, but as far as recommendations they will be developed through a consensus process with the whole task force.

And welcome, Dale and Mr. Cefalu. Let us note that they've both joined us for this meeting, please.

COMMISSIONER GIVENS:

Karen, just thought we'd let you know that both Bill and I have verified that the DNR Conservation hearing room is still there.

COMMISSIONER GAUTREAUX:

But for how much longer, Dale, that's what we need to know. Thank you.

COMMISSIONER CEFALU:

And empty.

COMMISSIONER GIVENS:

And empty.

COMMISSIONER GAUTREAUX:

I'm glad y'all were able to confirm that for us. All right. So what we're going to be moving on to right now, we just, Dale and Bill, approved the draft emergency rules with revisions recommended by the

1 advisory task force and by one of our Commission
2 members.

3 The next item will be the other recommendations
4 by the task force that were not part of the emergency
5 rules. Tony?

6 MR. DUPLÉCHIN:

7 The first one relates to the list of wells that
8 are exempt from the 60-day prior notice requirements
9 in Act 446. The Agricultural Committee, and this was
10 brought up during our last meeting, had wanted drought
11 condition wells added as another type of well that
12 would be exempt from the 60-day prior registration
13 requirements. So I have included in your packet a
14 copy -- an updated copy of the memo that was sent out
15 on September 27th, and now says December 3rd. It's
16 just a draft. But it shows that drought condition
17 wells could be added if approved by the Commission as
18 a sixth type of well that have a presumption of just
19 cause for waiving the 60-day prior registration.

20 Drought wells or drought condition wells are
21 defined as a well installed to alleviate crop or
22 livestock stress during periods of modest or extreme
23 drought as indicated by the Palmer Drought Index.
24 I've also included a printout explaining what the
25 Palmer Drought Index is. There are a number of
26 different drought indices used, and the one that was
27 chosen by the Ag Committee was the Palmer Drought
28 Index.

29 One other small change. If you look up to No. 5,
30 relief wells, I went ahead and changed the name of it

1 to pressure relief wells. After listening to members
2 of the Ag Committee talk this morning, relief has
3 different meanings to different people. So I thought
4 that pressure relief wells would be a better name for
5 the relief wells.

6 COMMISSIONER GAUTREAUX:

7 Does that name change pose any difficulties for
8 anyone? (No response.) Okay, good. One of the --
9 there was a good bit of discussion on this particular
10 item, and there were a lot of factors brought up, such
11 as when farmers are in a drought condition it may be
12 very difficult if they have to depend on the
13 turnaround time to arrange a well being dug. Also the
14 fact that the Staff is keeping track over the next
15 year and a half, year, as to what type of waivers are
16 granted or who is using -- because remember, all of
17 these are just 60-day advance registration waivers.
18 The well still has to be registered. If there's a
19 change of use, that's still going to have to be noted.
20 So with that, the task force felt fairly comfortable
21 in recommending that this policy be adopted, and I'll
22 invite our Farm Bureau representative to add anything.

23 COMMISSIONER ZAUNBRECHER:

24 So moved.

25 COMMISSIONER GAUTREAUX:

26 Okay. We have a motion. Do we have a second?

27 COMMISSIONER SPICER:

28 I second.

29 COMMISSIONER GAUTREAUX:

30 Second. Any discussion?

1 (No response.)

2 All in favor? (Aye.) Any opposed? (No
3 response.) Thank you. Were there any more advisory
4 committee recommendations? Oh, the prorata. The
5 what?

6 MR. DUPLÉCHIN:

7 The prorata.

8 COMMISSIONER ZAUNBRECHER:

9 No, the industrial comments that were made.

10 COMMISSIONER GAUTREAUX:

11 Yes. That's the other recommendation. You can
12 go forward. Okay, I didn't recognize it by that
13 acronym. Yes, that was a recommendation that we
14 agreed to.

15 MR. DUPLÉCHIN:

16 We have a recommendation by the Industrial
17 Committee that the Ground Water Management Commission
18 take the position of opposition on the development and
19 implementation of local ordinance for management of
20 ground water throughout the State of Louisiana. So
21 far only one parish has instituted their own ordinance
22 for managing ground water. And the Industrial
23 Committee of the task force felt that this may be in
24 violation of the statutes -- that is left to be seen
25 -- but felt that some discussion needed to be
26 undertaken by the Commission.

27 COMMISSIONER GAUTREAUX:

28 Right. And that discussion, and I'll invite
29 everyone there this morning to chime in, evolved into
30 a request for a legal analysis in terms of the roles

1 and abilities, authorities of the Commission relative
2 to local ordinances. Is there anyone that would like
3 to comment on that particular item? And we'll ask for
4 the Commission members first.

5 COMMISSIONER SPICER:

6 I think we ought to move ahead with it.

7 COMMISSIONER GAUTREAUX:

8 There's an agreement we're going to do a legal
9 analysis and come back and present it to the task
10 force.

11 COMMISSIONER CEFALU:

12 My only concern is this -- these regulations or
13 laws, once we finish coming up with the decision on
14 how to manage the water systems, is it going to take
15 precedence such as the hazardous waste authority of
16 the state, or are local people going to be able to
17 come behind us and do additional laws?

18 COMMISSIONER GAUTREAUX:

19 As I envision it, there is an opportunity -- the
20 local governments will have an opportunity to do
21 things that are consistent with the state law. I
22 think if there's a local government that sets up a
23 regime that's not consistent with the state law then
24 that's where we'll probably -- and actually, it's
25 probably going to be the local government's problem in
26 addition to creating confusion in different areas of
27 the state. I don't know if I'm answering your
28 question.

29 COMMISSIONER CEFALU:

30 Well, my concern is if we're going to sit here

1 and decide on how we should manage the resource, and
2 then allow another -- any other agency to come in and
3 change the rules, we may be defeating our purpose by
4 allowing additional authority.

5 COMMISSIONER GAUTREAUX:

6 Right. We want to make sure that we're not in a
7 position where we have conflicting authorities from
8 the state law. You're right. And we have to also
9 keep in mind existing state and other federal
10 regulations in moving forward.

11 COMMISSIONER CEFALU:

12 So are we going to allow local governments to
13 have their own laws and control the water sources?

14 COMMISSIONER ZAUNBRECHER:

15 Isn't that what the discussion is, that we'll
16 have legal --

17 COMMISSIONER GAUTREAUX:

18 Right.

19 COMMISSIONER ZAUNBRECHER:

20 There will be an analysis done to see what --

21 COMMISSIONER GAUTREAUX:

22 Right. We're trying to make it clear where the
23 lines of authority as far as legal authority are for
24 local governments versus the state. For example, one
25 of the items listed was, well, we have no real
26 charter, but we feel pretty confident in that the
27 state has a preemption on this issue, so what -- we're
28 going to clarify that. And as much as we can work
29 with locals we'd like to encourage them to be able to
30 manage their water in a way that they feel is

1 appropriate, but at the same time we want to make sure
2 it's compatible with the existing state system so we
3 don't have a bunch of different local systems and then
4 over a state system. Mr. Durrett?

5 COMMISSIONER DURRETT:

6 For instance, in the Sparta, if we have our study
7 done and we have some recommendations to do something,
8 we can't do anything -- we're going to have to bring
9 it to this Commission; right?

10 COMMISSIONER GAUTREAUX:

11 I think if you're operating within this Act that,
12 yeah, the Sparta should go ahead and put -- as I think
13 you're planning to do right now, go through the state
14 process, apply for the critical groundwater
15 designation and so forth. And I think you could, if
16 you wanted to, go forward and set up some kind of
17 regulatory regime, but I think you would subject to --

18 COMMISSIONER DURRETT:

19 I don't think we can.

20 COMMISSIONER GAUTREAUX:

21 I don't think -- I don't think you can either.

22 COMMISSIONER DURRETT:

23 Ours wasn't set up where you could, plus we don't
24 have a home rule charter.

25 COMMISSIONER GAUTREAUX:

26 Right. I don't think --

27 COMMISSIONER DURRETT:

28 I think that's the only question, whether there's
29 a home rule charter.

30 COMMISSIONER GAUTREAUX:

1 Well, even if there is a home rule charter, a lot
2 of attorneys -- as we tried to indicate --

3 COMMISSIONER DURRETT:

4 I understand. I'm not arguing that. But I'm
5 saying there's a lot of them that I don't think
6 there's any question.

7 COMMISSIONER GAUTREAUX:

8 No, I don't think there is. We'll clarify that
9 for those that don't believe it. Fulbert?

10 COMMISSIONER NAMWAMBA:

11 Yeah. I would like -- I would like when they do
12 the legal analysis, let's have a sort of time table or
13 a time line. I think what they've done, the legal
14 analysis, they give us the feedback in good time, we
15 can have enough time to look over it, look over the
16 fine print. Because here you're talking about
17 ordinances versus state constitutional law plus the
18 general laws, whether a new policy can come in and
19 override local ordinances. So I think we need a
20 thorough and we need a kind of a time line of some
21 kind to make that decision.

22 COMMISSIONER GAUTREAUX:

23 We'll endeavor to have a review available before
24 the next meeting, but I think also we're going to have
25 to incorporate this into -- I think it's both a short-
26 term answer in case different local entities want to
27 consider an ordinance, and it's important for them to
28 know early on that the general framework, and also for
29 us to incorporate local needs as much as possible into
30 our statewide ordinance. Mr. McHugh.

1 MR. MCHUGH:

2 My name is Tom Ed McHugh. I'm Executive Director
3 of the Louisiana Municipal Association. And we
4 certainly understand the complexity of the issue that
5 you're dealing with and the need to have a
6 comprehensive policy on a statewide basis. We would
7 like the opportunity to work with you to make certain
8 that the constitutional questions, and we already have
9 that authority through the Constitution, that the
10 constitutional questions are met in such a way that it
11 doesn't restrict us in some form or fashion that we
12 might not understand as we look at that issue today,
13 and we certainly pledge to work with you in that
14 manner. And I don't represent the Police Jury
15 Association, but Roland and I are very close friends,
16 and I think I'm expressing something that would be
17 something that they would be more than happy to work
18 with also.

19 COMMISSIONER GAUTREAUX:

20 Yes, and I'd like to reiterate, for any of those
21 that are doubtful, we certainly want to work
22 cooperatively. It doesn't do anyone any good for the
23 water resources of Louisiana to --

24 MR. MCHUGH:

25 We pledge our resources and personnel to help you
26 with that issue.

27 COMMISSIONER GAUTREAUX:

28 Thank you. It's much appreciated. We'll count
29 on it. Any other comments or questions on that issue?

30 (No response.)

1 Tony?

2 MR. DUPLÉCHIN:

3 The other two recommendations made by the
4 Industrial Committee we have already addressed, that
5 was the changes that were made to the draft emergency
6 rule that we talked about earlier. The staff,
7 Commission staff worked with the Outreach Committee to
8 develop a news article for publication explaining what
9 work the Commission had done up to this point, and I
10 don't know if --

11 COMMISSIONER GAUTREAUX:

12 I guess we'll do that. There weren't any
13 recommendations. That can be included in the
14 committee report. Thanks. I think that concludes --

15 MR. DUPLÉCHIN:

16 That's pretty much it for committee
17 recommendations.

18 COMMISSIONER GAUTREAUX:

19 Okay. Fine. So you can just continue to the
20 Ground Water staff report.

21 COMMISSIONER NAMWAMBA:

22 If I jog my memory a bit, did the Outreach
23 Committee talk of needing funds in the future to do
24 some of their work, or did I miss that?

25 MR. DUPLÉCHIN:

26 They'll probably go over that in their committee
27 report.

28 MR. HAMILTON:

29 Excuse me. I think they tentatively set January,
30 January 14 -- excuse me, January 9th as a meeting, but

1 they were going to confirm that by e-mail to everybody
2 on the committee. They wanted to meet before you meet
3 again.

4 COMMISSIONER GAUTREAUX:

5 Thank you.

6 MR. DUPLÉCHIN:

7 Staff report. The Ground Water Management staff
8 developed a news article for the Outreach Committee,
9 as I spoke of a few minutes ago, and I believe a copy
10 of that article is in each of your packets. The
11 article was transmitted back to the Outreach Committee
12 so they could make any changes or amendments they
13 deemed necessary, and will go forward from here with
14 sending it out to the different newspapers around the
15 state and periodicals that may be interested in the
16 issues at hand.

17 So far the state has received -- the staff has
18 received 155 water well information sheets, 39 of
19 which were received so far this month of November.
20 We're currently looking into the possibility of
21 creating a water well database on the Department of
22 Natural Resources Strategic Online Natural Resources
23 Information System, or SONRIS. We're also
24 investigating the feasibility of using this system to
25 have an online registration form.

26 We've made some updates to the website that we
27 currently have for the Commission. All the
28 transcripts are posted as soon as we've proofread
29 them, along with a summary of the meeting. Agendas
30 for upcoming meetings are posted, as well as the

1 meeting date and location, and a copy of the draft
2 emergency rules on the website. Since our last
3 meeting we have issued two just cause decisions to New
4 Orleans for 16 dewatering wells to be installed by the
5 Sewerage and Water Board. In addition, we have
6 received several calls by landowners or drillers
7 receiving just cause waivers for types of wells that
8 were already exempt from the notification.

9 The bulk of our work for the past month has been
10 in working with C.H. Fenstermaker in getting the scope
11 of services and deliverables ironed out to where we
12 can get the contract signed as soon as possible.

13 COMMISSIONER GAUTREAUX:

14 Thank you. Are there any questions from
15 Commission members on the staff report?

16 (No response.)

17 Thank you, Tony. As mentioned, I guess the next
18 time we should put the reports before the
19 recommendations so we get the full scope. So we'll
20 take care of that. But for this meeting we have now
21 the Advisory Task Force Committee reports. Now, the
22 primary report of the Agriculture Committee actually
23 resulted in the motion today, but would the
24 Agricultural Committee like to report anything else?

25 COMMISSIONER ZAUNBRECHER:

26 I don't think so.

27 COMMISSIONER GAUTREAUX:

28 The next committee that reported this morning was
29 the Industrial Committee, and we've heard some of
30 those results too. Would a member of the Industrial

1 Committee like to report?

2 MR. LYONS:

3 My name is Mike Lyons and I chair the Industrial
4 Committee. Everything that we recommended has been
5 acted upon by the Commission with the exception of the
6 fact that we are developing a questionnaire that will
7 be sent to members of the industrial community through
8 trade associations on groundwater and surface water
9 use and projected needs for the future. So we will
10 have some data, hopefully right after the first of the
11 year, with respect to industrial usage of both ground
12 water and surface water, and projected needs that you
13 will be able to utilize.

14 COMMISSIONER GAUTREAUX:

15 Great. That will be very helpful. Thank you.
16 Any questions or comments of the Industrial Committee?

17 (No response.)

18 The next group that reported at the meeting was
19 the Outreach Committee, and as Tony mentioned, there
20 is an article being prepared for dissemination to the
21 regular media outlets, but I really do encourage --
22 we're also going to send it to members of the advisory
23 task force and the Commission and encourage you to
24 pass it along to publications that you know of, and
25 please give us names so we can have that database for
26 future use as well. I think it's very important for
27 people to have as complete an understanding as
28 possible of the whole process, and hopefully we'll get
29 their input throughout the process. But we'll need
30 that support in the end for a well-developed policy.

1 The Outreach Committee also mentioned -- did
2 someone agree -- I don't want to take over Linda's
3 report. I know she couldn't be here this afternoon.
4 Did someone agree to give that report?

5 (No response.)

6 There was also a discussion about, as Fulbert
7 mentioned, some budgetary needs of the committee.
8 They're going to be working, as I understand it, on a
9 better refined number, and we certainly from a state
10 perspective are going to try and support those
11 activities, but we also will ask for all of our
12 partners to support that effort. So if you have
13 opportunities to print or pass along information,
14 whatever your participation might be, we appreciate
15 it.

16 Is there any other item -- Fulbert, you sat in on
17 that conversation -- that you think the Outreach
18 Committee would like to report on?

19 COMMISSIONER NAMWAMBA:

20 I think after they meet --

21 COMMISSIONER GAUTREAUX:

22 We'll look forward. As Brad mentioned, there may
23 be an interim meeting on the 9th. They'll notify
24 everyone by e-mail. We'll try to pass along those
25 notifications, too. Are there any other questions or
26 comments on Outreach?

27 (No response.)

28 The Technical Committee I know had a -- the
29 Technical and Surface Water Committee met together and
30 had a fairly full discussion. I think it was helpful

1 to the C.H. Fenstermaker group. Brad, are you --
2 Charlie? Sorry, Charlie Demas.

3 MR. DEMAS:

4 My name is Charlie Demas. I'm the chair for the
5 Technical Subcommittee. We held a meeting of our
6 group to set a date to meet with the consultant to
7 transfer over all the information that's available
8 that they will need to design this management plan.
9 That includes both surface and ground water. There's
10 a lot of information available, and everybody is to
11 bring to the meeting the websites with what those
12 databases are located at and whatever pertinent
13 publications that will help them in designing or
14 answering several of the questions in the RFP. So
15 we're going to be meeting on the 17th of December at
16 one o'clock at the USGS here in Baton Rouge.

17 COMMISSIONER GAUTREAUX:

18 Thank you. Any comments or questions?

19 (No response.)

20 Thank you, Charlie. I think that concluded the
21 presentations and committee reports for the day,
22 unless someone else met that I don't know about. Now
23 we will just ask for -- as we mentioned before we
24 leave a slot on the Commission agenda for just general
25 task force questions or comments. Are there any
26 members of the task force that would like to comment?

27 (No response.)

28 Now we have new business. Do we have any new
29 business items?

30 (No response.)

1 All right. The next meeting -- no, we have
2 public comments before next meeting. Any public
3 comments or questions?

4 (No response.)

5 COMMISSIONER BOLOURCHI:

6 Tony, on the memorandum that you prepared to go
7 to the water well drillers and owners, on page 2 of
8 the memorandum, Tony, there's a reference in the
9 middle of the page, the revised water well information
10 sheet is attached. That attachment is not attached to
11 my packet. Is that --

12 MR. DUPLECHIN:

13 Okay. That's not -- I just printed out the memo
14 itself. The water well sheet is the one that we've
15 been using for the past two months, if you've seen it.
16 If you want a copy of it, I have a copy of it right
17 here. But no, this was just to show the language of
18 drought condition wells.

19 COMMISSIONER BOLOURCHI:

20 Thank you.

21 COMMISSIONER DURRETT:

22 As you know, the Sparta has had a study
23 commission about a year ago, and the first important
24 phase of that study is going to be presented on
25 December the 14th at two o'clock in Ruston, which will
26 include the presentation of the updated model that the
27 engineers have done. So anybody that would like to
28 come, you're welcome to come. It's going to be
29 Friday, December 14th at two o'clock at the Courthouse
30 Annex. If you want to know how to get there or you

1 need anymore information, you can contact me after the
2 meeting. We'll be more than happy to share that
3 information with the consultants, any information that
4 we have.

5 COMMISSIONER GAUTREAUX:

6 If you can get me the meeting information, if you
7 can just e-mail it to me with a map, we'll be glad to
8 distribute it to our mailing list and the members of
9 the task force and Commission. Thank you. Mr.
10 Cefalu.

11 COMMISSIONER CEFALU:

12 Yes. I'm concerned, again, LMA -- does LMA have
13 anyone on the technical committees representing LMA?
14 Are y'all getting the representation that y'all need
15 to have?

16 COMMISSIONER GANTT:

17 I'm representing LMA on the Commission.

18 COMMISSIONER CEFALU:

19 The other thing was, the Advisory Task Force
20 Industrial Committee mentioned the paperwork being
21 sent to the industries to request information that
22 we're going to need to do studies on. Are all the
23 other committees doing the same? I mean, there's a
24 lot of public entities out there that have -- that are
25 using surface waters for water treatment, and I would
26 hope that we would send not only to the industries,
27 but also to all of those public entities also that are
28 using surface as well as ground water.

29 COMMISSIONER GAUTREAUX:

30 I know we have been dependent to a certain -- to

1 a large degree for the information being collected
2 through USGS for public bodies. Charlie, would you
3 like to comment?

4 COMMISSIONER CEFALU:

5 Is that being done?

6 MR. DEMAS:

7 That's done on a quarterly basis to both industry
8 and all water users including ag and public supply.

9 COMMISSIONER CEFALU:

10 So we're making sure we get that information.

11 Thank you very much.

12 MR. DEMAS:

13 That's been done that way for, what, 30 years
14 now.

15 COMMISSIONER GAUTREAUX:

16 We had talked -- are there any other comments or
17 questions?

18 COMMISSIONER CEFALU:

19 No, I'm finished. Thank you.

20 COMMISSIONER GAUTREAUX:

21 The next agenda item was the schedule for the
22 next meeting, and I think there -- are there anymore
23 public comments? I'm sorry.

24 (No response.)

25 The schedule for the next meeting, we had
26 tentatively discussed this morning the week of January
27 14th, but it turns out that the Department of Natural
28 Resources will be moving into their new building, so
29 that's probably not a good time. In terms of
30 decisions, are there any time-critical dates that

1 anyone is aware of? I'm not aware of any, but we need
2 to obviously have a meeting in not too long of a time
3 frame so we can further develop a plan, but we don't
4 have any emergency rule deadlines or things like that
5 to trigger another meeting. So what I'd like to
6 suggest is that we meet the week of -- well, we may
7 have to actually meet that week unless we want to put
8 it off until the next week, because Monday, the 21st,
9 is a holiday, and there's a Wetlands Authority meeting
10 on the 23rd. Is there a -- could we -- I know y'all
11 are moving, but on the 16th, I know that's a bad week,
12 but if we do that we'll be into the last week of
13 January if we don't.

14 MR. DUPLÉCHIN:

15 We might be back here.

16 COMMISSIONER GAUTREAUX:

17 That will work.

18 COMMISSIONER NAMWAMBA:

19 What day of the week?

20 COMMISSIONER GAUTREAUX:

21 The 16th is a Wednesday.

22 COMMISSIONER DURRETT:

23 I can't, but that doesn't mean you can't meet.

24 COMMISSIONER GAUTREAUX:

25 Can the majority of the Commission meet then?

26 We'll be coming up to see you before then. Let's

27 tentatively set our next meeting date on the 16th.

28 Well, the 14th. I was thinking the Staff was going to

29 be involved in moving activities more than they are.

30 MR. DUPLÉCHIN:

1 The building is supposed to be closed the 11th
2 through the 14th with just a skeleton crew. We won't
3 be moved yet.

4 COMMISSIONER GAUTREAUX:

5 We'll just find another location on the 14th.
6 Let's keep it on the 14th of January. Time, we'll --
7 it seems to be working pretty well, the 9:30 in the
8 morning for task force and 1:30 Commission meeting.
9 Do I have a motion to adjourn?

10 COMMISSIONER CEFALU:

11 Where?

12 COMMISSIONER GAUTREAUX:

13 We'll have to work on the location.

14 COMMISSIONER SPICER:

15 I move we adjourn.

16 COMMISSIONER NAMWAMBA:

17 Second.

18 COMMISSIONER GAUTREAUX:

19 Move to adjourn. Thank you.

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on November 28, 2001, in the Wildlife and Fisheries Louisiana Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 35, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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